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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,674	07/24/2000	Guy Nathan	871-86	6897

7590 09/10/2004

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EXAMINER	
SALTARELLI, DOMINIC D	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/621,674	NATHAN, GUY	
	Examiner	Art Unit	
	Dominic D Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 July 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/357,762.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3,4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because legends should be provided to readily identify the features of the drawings, see MPEP § 608.02(o). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 7, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilder (5,408,417) in view of Schelberg, Jr. et al. (5,812,643) [Schelberg].

Regarding claim 7, Wilder discloses an audiovisual reproduction system comprising a central unit (control system, col. 4, lines 13-20) controlling display means (fig. 1, display 11), a touch screen (col. 4, lines 20-22), memory means (RAM and ROM are part of the system, col. 4, lines 13-20), and a telecommunications modem (col. 4, lines 22-26), through an operating system (col. 5, lines 40-42) comprising a library of tools and services (col. 6, lines 36-39), wherein images describing coming artistic events close to the location in which the audiovisual reproduction system is installed (col. 7, lines 25-35) are displayed at specific regular intervals (promotional program is running in a constant loop when no transactions are being made, col. 7, lines 36-40).

Wilder fails to disclose the operating system is a multitask operating system, the images describing coming artistic events are firstly downloaded into a file in the reproduction system, and the reproduction system operating system reads this file so that the display means of the audiovisual reproduction system can be used to show the images memorized in the file.

Examiner takes Official Notice that it is old and well known to utilize multitask operating systems for controlling dynamic digital systems, as such operating systems are optimized for concurrent execution of multiple tasks, thus enabling systems which are capable of multiple tasks to perform them simultaneously, optimizing the performance and usefulness of the system.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder to include a multitask operating system, for the benefit of optimizing the performance and usefulness of the audiovisual reproduction system.

In an analogous art, Schelberg teaches downloading digital information, including advertisement files, (col. 7, lines 11-15) to a reproduction system (a public terminal that provides services and includes a user interface, col. 2, lines 25-46) for display, enabling the advertising information to be updated remotely.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder to include downloading the images into a file in the reproduction system for display, as taught by Schelberg, for the benefit of enabling the advertising information to be updated remotely thus removing the need to manually update said information.

Regarding claim 8, Wilder and Schelberg disclose the system of claim 7, wherein the display means show a screen that user of the audiovisual reproduction system can use through the telecommunications means to order entry tickets for the artistic events displayed on the display means (user is presented with graphics for buying tickets to artistic events, col. 7, lines 48-58, wherein the information for said transaction is received through the modem and transaction information is uploaded to a central server through said modem, col. 5 line 66 – col. 6 line 2), the payment for these entry tickets being made through payment means forming part of the audiovisual reproduction system (col. 6, lines 36-46).

Regarding claim 9, Wilder and Shelberg disclose the system of claim 7, wherein the system comprises printing means for printing entry tickets (col. 6, lines 60-66).

4. Claims 7, 10, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (5,355,302, of record) [Martin] in view of Wilder and Schelberg.

Alternatively regarding claim 7, Martin discloses an audiovisual reproduction system (fig. 1, jukebox 13) comprising a central unit (fig. 1, processing circuit 121, col. 5, lines 26-41) controlling display means (fig. 1, visual display 125, col. 5, lines 45-46), memory means (fig. 1, ROM 121B, RAM 121C, and storage 93), and a telecommunications modem (fig. 1,

modem 19), through an operating system (software program contained in ROM, col. 5, lines 26-31) comprising a library of tools and services (the operating system controls all features and functions of the jukebox, including the graphical display, money collection, and song selection, and data collection, fig. 5 and col. 6 line 59 – col. 7 line 17).

Martin fails to disclose a multitask operating system, a touch screen, and images describing coming artistic events close to the location in which the audiovisual reproduction system is installed are downloaded into a file in the reproduction system, and the reproduction system operating system reads this file so that the display means of the audiovisual reproduction system can be used to show the images memorized in the file, at specific regular intervals.

Examiner takes Official Notice that it is old and well known to utilize multitask operating systems for controlling dynamic digital systems, as such operating systems are optimized for concurrent execution of multiple tasks, thus enabling systems which are capable of multiple tasks to perform them simultaneously, optimizing the performance and usefulness of the system.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder to include a multitask operating system, for the benefit of optimizing the performance and usefulness of the audiovisual reproduction system.

In an analogous art, Wilder teaches an audiovisual reproduction system with a touch screen for user selections (col. 4, lines 13-22), providing an intuitive form of user selections from an interface, and also teaches displaying images describing coming artistic events close to the location in which the audiovisual reproduction system is installed at specific regular intervals (promotional program of local events is running in a constant loop when no transactions are being made, col. 7, lines 25-40), providing users with useful information regarding local entertainment venues.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin to include a touch screen, and also displaying images describing coming artistic events close to the location in which the audiovisual reproduction system is installed, as taught by Wilder, for the benefit of an enhanced, interactive user interface and also providing users with useful information regarding local entertainment venues, wherein advertising is an extremely well known and widely utilized form of revenue generation.

In an analogous art, Schelberg teaches downloading digital information, including advertisement files, (col. 7, lines 11-15) to a reproduction system (a public terminal that provides services and includes a user interface, col. 2, lines 25-46) for display, enabling the advertising information to be updated remotely.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin and Wilder to include downloading the images into a file in the reproduction system for display, as taught by Schelberg, for the benefit of enabling the advertising information to be updated remotely thus removing the need to manually update said information.

Regarding claim 10, Martin, Wilder, and Schelberg disclose the system of claim 7, wherein the display means uses a file in the operating system of the reproduction system to show a screen on the display means inviting the user to answer a series of questions (Martin teaches that when no selection is currently playing, the system is in an 'attract mode', displaying random graphics associated with various selections with the intent of attracting users to make a selection, col. 6 line 59 – col. 7 line 17, wherein a user must answer a series of questions to make said selection, first category, then song title, col. 7, lines 18-26), the answers to the question then being stored in a file in memory to be sent later to the downloading center for processing (Martin further teaches the system tracks, reports, and processes the total number of selections of every song for reimbursement calculation, col. 5 line 60 – col. 6 lines 18).

Regarding claim 11, Martin, Wilder, and Shelberg disclose the system of claim 10, wherein the display of the series of questions is

initiated after a given song has been selected (Martin teaches the 'attract mode' is active after a given song has been selected and played and the system is awaiting a new selection, col. 6, lines 59-68).

Regarding claim 12, Martin, Wilder and Shelberg disclose the system of claim 7, wherein information related to downloaded images is stored (Martin teaches also storing graphics, col. 5, lines 8-10) in a downloadable file on the memory means of the audiovisual reproduction system (Martin teaches a downloadable file in the memory means, the song library/data storage unit 93 in fig. 1, col. 6, lines 48-54) through a request sent by the host server (central management systems sends management commands to the jukebox, col. 48-54).

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Wilder, and Shelberg as applied to claim 7 above, and further in view of Cannon (EP 0 711 076 A2).

Regarding claim 13, Martin, Wilder, and Shelberg disclose the system of claim 7, but fail to disclose the recorded advertisement which is displayed after a determined number of musical selections have been made (Martin teaches displaying the 'attract mode' after a number of musical selections, determined by users, col. 7, lines 18-55, is finished playing, col. 6, lines 59-64, wherein the 'attract mode' has been modified in view of Wilder to play advertisements, which are stored in a file in

memory, as Shelberg taught remote transmission and storage of advertisements) is interactive and consists of a game in which the user can win a musical selection.

In an analogous art, Cannon teaches attracting users to watch advertisements by including in the advertisement an interactive game (col. 4, lines 3-15) wherein the user can win a prize for playing the game (col. 4, lines 16-28), encouraging viewers to watch the advertisement (col. 2, lines 16-23).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin, Wilder, and Shelberg to include interactive advertisements which include a game in which the user can win a prize, as taught by Cannon, wherein the most obvious and readily available prize from a jukebox would naturally be a free musical selection, for the benefit of encouraging users to watch the advertisement displayed on the display means.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 7-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-13 of U.S. Patent No. 6,336,210. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are different descriptions of the same subject matter, varying in breadth.

a. The "Audiovisual reproduction system" in line 1, claim 7 of the instant application corresponds to the "Digital jukebox system according to claim 1" in line 1, claim 7 of patent # 6,336,219.

b. The "touch screen" in line 2, claim 7 of the instant application corresponds to the "interactive interface" in line 2, claim 7 of patent # 6,336,219.

It would have been obvious at the time to a person of ordinary skill in the art to readily recognize that the conflicting claims are different descriptions of the same subject matter, varying in breadth.

Claims 8-13 of the instant application correspond to claims 8-13 of patent # 6,336,219 219 because said claims in both the instant application and patent # 6,336,219 are different descriptions of the same subject matter varying in breadth.

Conclusion

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

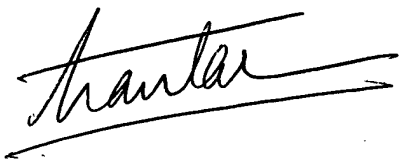
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



NATRAN
PATENT EXAMINER